

16805 U.S. PTO
012704

2 Disc to SLC
PATENT
Atty. Dkt. No. SBIO/0002.D1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAIL STOP PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE UNDER 37 CFR 1.10	
I hereby certify that this transmittal and the documents referred to as attached therein are being deposited on January 27, 2004 with the United States Postal Service in an envelope as "Express Mail Post Office to Addressee," mailing label No. EL 980273535 US addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.	
1/27/04 Date	<i>Esther Marques</i> Esther Marques

U.S. PTO
10/766605
012704

REQUEST FOR FILING A PATENT APPLICATION
UNDER 37 CFR 1.53(b)

This is a request for filing the following continuing application for a prior application:

- ☐ Continuation
- ☒ Divisional
- ☐ Continuation-in-part
- ☐ attached is an amendment for added subject matter
- ☐ Continuing application to permit consideration of an information disclosure statement under 37 CFR 1.97

PARTICULARS OF PRIOR APPLICATION

Application Serial No.: 10/658,632
Confirmation No.: 6082
Filed: September 8, 2003
Title: METHODS FOR GENE FUNCTION ANALYSIS

Name(s) of applicant(s) (as originally filed and as last amended) and the current correspondence address and country of citizenship for each:

Sole or First Inventor:

Name: Alex Chenchik
Residence: 680 Hillcrest Way, Emerald Hills, CA 94062-3937
Country of Citizenship: Russia

Post Office Address: same as above

Second Inventor:

Name: Peter Chumakov

Residence: 5861 Briar Hill Drive, Solon, OH 44139

Country of Citizenship: Russia

Post Office Address: same as above

INVENTORSHIP STATEMENT

- (a) ☐ This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above, and the inventor(s) in this application are:
- ☐ the same
- ☐ less than those named in the prior application, and it is requested that the following inventor(s) for the prior application be deleted:
- (b) ☐ This application discloses and claims additional disclosure and a new declaration or oath is being filed. With respect to the prior application whose particulars are set out above, the inventor(s) in this application are:
- ☐ the same
- ☐ not the same, and are listed in the attached new declaration or oath filed herewith.
- (c) ☒ The inventorship for all the claims in this application is:
- ☐ the same
- ☒ not the same; and an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

DECLARATION OR OATH

- ☒ Continuation or Divisional (copy of original Declaration/Oath is attached)
- ☐ Continuation-in-part
- ☐ Attached, and executed by:
- ☐ inventor(s)
- ☐ legal representative of inventor(s) (37 CFR 1.42 or 1.43)

☐ joint inventor or person showing a proprietary interest for inventor who refused to sign or cannot be reached (37 CFR 1.47)

☐ This is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached.

☐ Not attached

☐ Application is made by a person authorized under 37 CFR 1.41(c) on behalf of all of the above-named applicant(s).

☐ Attached is a showing that the filing is authorized.

IDENTIFICATION OF CLAIMS FOR FURTHER PROSECUTION

☒ The fees to be charged are to be based on the number of claims remaining as a result of the:

☐ attached preliminary amendment

☐ cancellation of claim(s)

☒ claims in the application

FEE CALCULATION (37 CFR 1.16)

	NUMBER OF CLAIMS FILED	LESS NUMBER PAID BY BASIC FEE	NUMBER OF EXTRA CLAIMS (Not less than zero)	SMALL ENTITY FEE
Basic Fee				\$385.00
Total Claims	33	- 20 = 13	X \$9 =	\$117.00
Independent Claims	5	- 3 = 2	X \$43 =	\$86.00
First Presentation of Multiple Dependent Claims + \$.				-0-
Total Filing Fee Calculation				\$588.00

PETITION FOR SUSPENSION OF PROSECUTION FOR THE TIME NECESSARY TO FILE AN AMENDMENT

☐ There is provided herewith a Petition for Suspension of Prosecution for the Time Necessary to File an Amendment (37 CFR 1.103) – New Application Filed Concurrently

FEE PAYMENT BEING MADE AT THIS TIME

☐ No filing fee is submitted

- | | | |
|-------------------------------------|--|----------|
| <input checked="" type="checkbox"/> | Filing Fee | \$588.00 |
| <input type="checkbox"/> | Recording Assignment [37 CFR 1.21(h)] | \$ 40.00 |
| <input type="checkbox"/> | Petition fee for filing by other than all the inventors or person not the inventor where inventor refused to sign or cannot be reached [37 CFR 1.47 and 1.17(h)] | \$130.00 |
| <input type="checkbox"/> | Processing and retention fee [37 CFR 1.53(d) and 1.21(l)] | \$130.00 |
| <input checked="" type="checkbox"/> | Please charge Deposit Account No. 20-0782/SBIO/0002.D1/SB in the amount of:
(A duplicate copy of this request is enclosed) | \$588.00 |

AUTHORIZATION TO CHARGE ADDITIONAL FEES

- ☒ The Commissioner is hereby authorized to charge the following additional fees which may be required by this paper and during the entire pendency of this application, to **Deposit Account No. 20-0782/SBIO/0002.D1/SB.**
- ☐ 37 CFR 1.16(a), (f) or (g) (filing fees)
 - ☐ 37 CFR 1.16(b), (c) and (d) (presentation of extra claims)
 - ☒ 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
 - ☐ 37 CFR 1.17 (application processing fees)
 - ☐ 37 CFR 1.18 [issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b)]

INSTRUCTIONS AS TO OVERPAYMENT

- ☒ **Credit Deposit Account No. 20-0782/SBIO/0002.D1/SB.**

PRIORITY 35 USC 119

- ☐ Priority of application Serial No. _____ filed on _____ in _____ is claimed under 35 USC 119.
- ☐ The certified copy has been filed on _____ in prior U.S. Application Serial No. _____, which prior application was filed on _____.
- ☐ Certified copy will follow.

RELATE BACK 35 USC 120

- ☒ Amend the specification by inserting before the first line the sentence:
- “This is a
- ☒ divisional
 - ☐ continuation

☐ continuation-in-part
of copending application(s)
☒ Serial No. 10/658,632 filed on September 8, 2003."
☐ International Application filed on _____ and which designated
the U.S."

ASSIGNMENT

- ☒ The prior application is assigned of record to: System Biosciences LLC.
☐ An assignment of the invention to _____ is attached.
☐ Form PTO 1595 (Recordation Form Cover Sheet) is also attached (**in duplicate**).

POWER OF ATTORNEY

- ☐ The power of attorney in the prior application is to:

B. Todd Patterson	Registration No. 37,906
Raymond R. Moser, Jr.	Registration No. 34,682
Donald Verplancken	Registration No. 33,217
Sarah J. Brashears	Registration No. 38,087
Keith M. Tackett	Registration No. 32,008

Send correspondence to:

Direct telephone calls to:

MOSER, PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056

SARAH J. BRASHEARS
MOSER, PATTERSON & SHERIDAN, L.L.P.
(650) 330-2310

- ☐ The power appears in the original papers in the prior application.
☒ The power does not appear in the original papers, but was filed on January 23, 2004.
☐ A new power has been executed and is attached.
☒ Address all future communications to:

MOSER, PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056

Direct telephone calls to:
Sarah J. Brashears
MOSER, PATTERSON & SHERIDAN, L.L.P.
(650) 330-2310

MAINTENANCE OF COPENDENCY OF PRIOR APPLICATION

- ☐ A petition, fee and response has been filed to extend the term in the pending prior application until . (c py attached)

CONDITIONAL PETITION FOR EXTENSION OF TIME IN PRIOR APPLICATION

- ☐ A conditional petition for extension of time is being filed in the pending prior application. (copy attached)

ABANDONMENT OF PRIOR APPLICATION

- ☐ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted, and when this application is granted a filing date, so as to make this application copending with said prior application. At the same time, please add the words "now abandoned" to the amendment to the specification set forth in the "Relate Back-35 USC 120" section (page 5).

INFORMATION DISCLOSURE STATEMENT

- ☐ Submitted herewith is an Information Disclosure Statement.

SEQUENCE LISTING STATEMENT

- ☒ Submitted herewith is a sequence listing. The Applicant and its representative whose signature appears below submit sequence listing information in paper and computer readable form (Compact Disc labeled "CRF"). In accordance with 37 CFR § 1.821(e), 1.821(f), 1.821(g), 1.821(b), or 1.821(d), Applicant certifies that the content of the sequence listing information recorded in computer readable form is identical to the written sequence listing submitted herewith, and includes no new matter. The sequence listing was prepared with the software, FASTSEQ, and conforms to the Patent Office guidelines. The Computer Readable Format (CRF), being submitted under 37 CFR §§ 1.52(e) and 1.824, is formatted on IBM-PC, the operating system compatibility is MS-Windows and the file listings are:

SBIO-0002.D1 Sequence Listing.txt, 5KB, created 01/27/2004
SBIO-0002.D1 Sequence Listing.doc, 28KB, created 01/27/2004

Respectfully submitted,



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Agent for Applicant(s)

APPENDIX

The subject matter of the claims of the divisional application submitted herewith was disclosed in the specification of the parent application (10/658,632), but the parent application did not claim this subject matter.

Thus, there is an additional inventor for the present application. Both inventors shall assign their rights to System Biosciences LLC, the assignee of the parent application.